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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/822,575	04/12/2004	Pedrag Lazic	PLC-10002/03	2630
25006	7590	10/12/2006	EXAMINER	
GIFFORD, KRASS, GROH, SPRINKLE & CITKOWSKI, P.C			GARCIA, ERNESTO	
PO BOX 7021				
TROY, MI 48007-7021			ART UNIT	PAPER NUMBER
			3679	

DATE MAILED: 10/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/822,575

Applicant(s)

LAZIC ET AL.

Examiner

Ernesto Garcia

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2006 and 21 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3-11 is/are rejected.
- 7) ☒ Claim(s) 4-6, 9 and 10 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 June 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Drawings

The drawings were received on June 30, 2006. These drawings are acceptable; however, the drawings contain discrepancies.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: "43" as now presented in the amended paragraph starting on page 8, line 15 of the specification.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "50" (Fig. 3) and "74" (Fig. 4) have both been used to designate the same bolt. Note that this objection is being repeated since the correction has not been addressed.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "80" and "84" have both been used to designate the

same splined cylinder (Figure 4). Note that this objection is being repeated since the correction has not been addressed.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "20" has been used to designate both a joint with a first configuration (Figure 1; note that it uses a washer and a different bolt) and a joint with a second configuration (Figure 3, note that is used no washer and the bolt 50 is different than that shown in joint 20 in Figure 1).

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "36a" has been used to designate both a knuckle with a first configuration (Figure 2; note that this knuckle does not have a groove on the portion adjacent to the spline 34) and another knuckle with a second configuration (Figure 3; note that this knuckle has the groove, unreferenced, adjacent to the splined portion 34a).

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "34a" and "34b" have both been used to designate the same splines in Figure 3. Note that similar parts must be given the same reference character. The same applies to reference characters "32a" and "32b" in Figure 3.

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, each of the knuckles attached to one of the members (claim 7, line 9) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered. Applicants should note that a first knuckle is attached to a first member, and a second knuckle is attached to a second member, but not both knuckles are attached to one of the members.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended". If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the examiner does not accept the changes, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: "a pair of connectors each joining one of the knuckles to one of the elongated members" recited in claim 7, line 15 and claim 11, line 6.

Claim Objections

Claims 3-7, 9, and 10 are objected to because of the following informalities:
regarding claims 3-6, "joint" in line 1 should be --mechanism--;
regarding claim 6, the second occurrence of "the" in line 3 should be deleted;
regarding claim 7, "of said links" in line 5 should be --member--, "links" in lines 7 and 9 should be --members--, "their attached links" in line 14 should be --the members-- , and "normally" in line 17 should be --normal--;

regarding claims 9 and 10, "joint" in line 1 should be --position support stand--;
and,

regarding claim 11, "adopted" in line 4 should be --adapted--, and "normally" in line 7 should be --normal--. Appropriate correction is required. For purposes of examining the instant invention, the examiner has assumed these corrections have been made.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 3-11 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Regarding claims 7 and 11, the recitation "each connector comprises a first cylindrical part ... and a second part" in claim 7, lines 17-18, and claim 11, lines 7-8, is nowhere found in the disclosure. In particular, the specification does not mention "connectors" or that the connectors comprise a first cylindrical part and a second part. At best, the connectors 26a, 26b, in Figure 3, do not have the first part being with splines and the second part with internal splines.

Regarding claim 7, the recitation "the first part being adapted to be inserted into the hole in the second part" in lines 19-20 is not supported by the written description requirement. The examiner cannot find support in the description or the drawings. At best, the connectors 26a, 26b, in Figure 3, do not have the first part 28a adapted to be

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inserted into the hole 29a in the second part 29a. Furthermore, the recitation "the first cylindrical part having axially extending splines and a second part having a hole with internal splines" in lines 18-19 is not supported by the written description. The drawings do not show splines in both parts 28a, 32a of each of the connectors 26a, 26b.

Regarding claim 11, the recitation "the first part being adjusted to be inserted into the hole in the second part" in lines 9-10 is not supported by the written description requirement. The examiner cannot find support in the description or the drawings. In particular, the connectors 26a, 26b, in Figure 3, do not have the first part 28a adjusted to be inserted into the hole 29a in the second part 29a. Furthermore, the recitation "the first cylindrical part having axially extending splines and a second part having a hole with internal splines" in lines 8-9 is not supported by the written description. The drawings do not show splines in both parts 28a, 32a of each of the connectors 26a, 26b.

Claims 3-6 and 11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 5, the recitation "the two spline counts" in lines 9-10 lacks proper antecedent basis.

Regarding claim 11, the recitation "being adjusted to be inserted into the hole" in line 10 makes unclear how the first part is adjusted to be inserted into the hole. Is the part adjusted every time the part is to be inserted into the hole? Does the part require rotation to be inserted?

Regarding claims 3, 4, and 6, the claims depend from claim 11 and therefore are indefinite.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 3, 7, 8, 11 are rejected under 35 U.S.C. 102(e) as being anticipated by Crorey et al., 6,619,872.

Regarding claim 1, Crorey et al. disclose, in Figures 1 and 3, a positionally adjustable mechanism comprising a pair of elongated members 106, a pair of knuckles 74, a cylindrical pin 83, and a pair of connectors. The elongated members 106 each

have a central axis. Each of the knuckles **74** has an internally splined central hole **82**. The cylindrical pin **83** is formed with axially extending splines **84**. The connectors each join one of the knuckles **74** to one of the elongated members **106**. The internally splined central hole **82** of the knuckle **74** extends substantially normal to the central axis of the elongated members **106**. Each connector comprises a first cylindrical part **77** and a second part **12**. The first part **77** has axially extending splines and the second part **12** has a hole **38** with internal splines. The central axis of the first part **77** and the hole **38** are coaxial with the central axis of the elongated member and substantially normal to the pin **83**. Note that orientation of the elongated members relative to one another may be adjusted and fixed.

Regarding claims 3 and 8, each of the knuckles **74** has a planar face and the central hole **82** of each of the knuckles **74** is formed about an axis substantially perpendicular to the planar face.

Regarding claim 7, Crorey et al. disclose, in Figures 1 and 3, an adjustable position support stand comprising a pair of elongated members **106**, a base **14**, means (the bolt) for fixing an article (the nut) to a first end of the second member **106**, and an adjustable joint. The elongated members **106** each have a central axis. The elongated members comprise a first member **106** and a second member **106**. The adjustable joint comprising a pair of knuckles **74**, a cylindrical pin **83**, and a pair of connectors. Each of the knuckles **74** has an internally splined central hole **82**. The cylindrical pin **83** is

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formed with axially extending splines **84**. The connectors each join one of the knuckles **74** to one of the elongated members **106**. The internally splined central hole **82** of the knuckle **74** extends substantially normal to the central axis of the elongated members **106**. Each connector comprises a first cylindrical part **77** and a second part **12**. The first part **77** has axially extending splines and the second part **12** has a hole **38** with internal splines. The central axis of the first part **77** and the hole **38** are coaxial with the central axis of the elongated member and substantially normal to the pin **83**. Note that orientation of the elongated members relative to one another may be adjusted and fixed.

Allowable Subject Matter

Claims 4-6, 9, and 10 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

regarding claim 4, the prior art of record does not disclose or suggest an adjustable joint comprising at least one internally splined central hole of a pair of knuckles formed substantially perpendicular to the planar face of the knuckles angled with respect to the planar face;

regarding claims 5 and 10, the prior art of record does not disclose or suggest an adjustable mechanism or an adjustable position support stand comprising internally splined central holes in two knuckles being formed with different numbers of splines in order to correspond to two sections of a pin;

regarding claim 6, this claim depends from claim 5; and,

regarding claim 9, the prior art of record does not disclose or suggest an adjustable position support stand comprising an adjustable joint comprising at least one splined central hole of a pair of knuckles formed at an angle that deviates from perpendicular to a planar face of the knuckles.

Response to Arguments

Applicant's arguments with respect to claims 3, 7, 8, and 11 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. In particular, new claim 11 and the recitation "a pair of connectors ... to said cylindrical pin" in claim 7, lines 15-22, necessitated the new grounds of rejection. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ernesto Garcia whose telephone number is 571-282-7083. The examiner can normally be reached from 9:30-5:30. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached at 571-272-7087.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

E.G.

E.G.

September 25, 2006

A handwritten signature in black ink that reads "Daniel P. Stodola". The signature is written in a cursive style with a large, looped initial "D".

DANIEL P. STODOLA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600